

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

VICKI WRIGHT

APPELLANT,

v.

**CASEY'S MARKETING COMPANY AND DIVISION OF EMPLOYMENT SECURITY
RESPONDENTS.**

DOCKET NUMBER WD71996
**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 14, 2010

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division One: James M. Smart, Jr., P.J., Mark Pfeiffer and Cynthia L. Martin, JJ.

Attorneys:

Richard B. Hankins, Kansas City, MO and John J. Ammann, Godfrey, IL, **for appellant.**

Kenneth P. Carp, Clayton, MO and Jeannie D. Mitchell, Jefferson City, MO, **for respondents.**

MISSOURI APPELLATE COURT OPINION SUMMARY

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VICKI WRIGHT,

APPELLANT,

v.

**CASEY'S MARKETING COMPANY AND DIVISION OF EMPLOYMENT SECURITY,
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No. WD71996

Labor and Industrial Relations Commission

Before Division One Judges: James M. Smart, Jr., P.J., Mark Pfeiffer and Cynthia L. Martin, JJ.

Vicki Wright was terminated from her management job with Casey's Marketing Company after she left \$11,000 in deposits in an unlocked file drawer in violation of the company's written policy requiring managers to keep deposits secured in the safe until taking them to the bank. The policy stated that "failure [to do so] will result in suspension or termination." On the day of her termination, Wright was counting the deposit money when she got a call from another store to come pick up an order. Instead of putting the money back in the safe before she left, she put it in an unlocked drawer. After her supervisor found the money in the unlocked drawer, Wright admitted that she had left the deposits unsecured. She said she was in a hurry and that it was easier to put the deposit money in the drawer than to secure it in the safe. The supervisor issued a "corrective action form," which resulted in Wright's immediate discharge.

Wright filed a claim for unemployment benefits, in which she included a litany of complaints about her supervisor. Wright did not mention her violation of the company's deposit policy, and when Casey's brought it up, she, at first, denied knowledge of it. A deputy with the Division of Employment Security ultimately determined that Wright was disqualified from receiving benefits, because she was discharged for "misconduct connected with work." Wright appealed, and following a hearing, the Appeals Tribunal concurred with the deputy. The Labor and Industrial Relations Commission affirmed and adopted the Tribunal's decision. Wright appeals.

AFFIRMED.

Division One holds: Wright intentionally violated an important work rule despite being fully aware of the rule and of the rule's importance to her employer. Her actions were not a mistake, accidental, or simple negligence; they were the result of a conscious decision to act contrary to the rule. If she was negligent, it was negligence of such degree (in light of the importance and the strictness of Casey's policy) "as to manifest culpability ... or show an intentional and substantial disregard of the employer's interest." This constitutes "misconduct" under the applicable statutory definition. The Commission's determination that Wright was discharged for misconduct connected with her work, and, thus, disqualified from receiving benefits, is affirmed.

Per curiam

December 14, 2010

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